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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PRELIMINARY AMENDMENT

Applicant : Gregory R. Smith)
Serial No. : 10/699,307)
Filed : October 30, 2003) Art Unit: 1661
For : Pomegranate Tree Denominated 'Smith')
Examiner : June Hwu)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fresno, California

July 23, 2004

Sir:

In response to the request of the United States Patent and Trademark Office by telephone on June 21, 2004, this is a Preliminary Amendment to the above-identified patent application.

Prior to rendering the first Office Action relative to the instant patent application, kindly amend the application, as follows:

I hereby certify that this correspondence is being deposited
with the United States Postal Service with sufficient
postage as first class mail in an envelope addressed to:
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on July 23, 2004
(Date of Deposit)

RODNEY K. WORREL

Name of applicant, assignee, or
Registered Representative

Signature

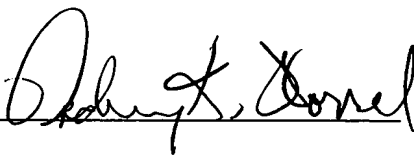
July 23, 2004
Date of Signature

Please admit the enclosed duplicate drawings (photographs) of the subject invention.

Respectfully submitted,

Gregory R. Smith

BY: WORREL & WORREL

By 

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